

## UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Damien Rapheal Gayles

Case No.

Case: 2:21-mj-30423

Judge: Unassigned,

Filed: 09-02-2021 At 09:06 PM

USA v. DAMIEN RAPHEAL  
GAYLES (CMP)(MLW)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 17, 2021 in the county of Wayne in the  
Eastern District of Michigan, the defendant(s) violated:*Code Section*

18 USC § 922(g)(1)

*Offense Description*

Felon in possession of a firearm

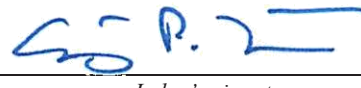
This criminal complaint is based on these facts:

see attached affidavit.

☒ Continued on the attached sheet.Sworn to before me and signed in my presence  
and/or by reliable electronic means.Date: September 2, 2021City and state: Detroit, Michigan  
Complainant's signature

Det. Jeb Rutledge, Task Force Officer (ATF)

Printed name and title

  
Judge's signature

Hon. Anthony P. Patti, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF A  
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Task Force Officer/Detective Jeb Rutledge being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a duly sworn Police Officer currently holding the rank of Detective with the City of Detroit, MI. I have been with the Detroit Police Department since 1998 and appointed to Detective in 2014. In my 22 years as a Detroit Police Officer, I have worked numerous assignments including, Uniformed Patrol, plain clothes Precinct Special Operations, Breaking and Entering Task Force, Precinct Detective Unit and Homicide. During my career, I have been involved in or have been the Officer in Charge of hundreds of investigations that range from larcenies to violent assaults and Homicides that have resulted in successful state prosecutions.

2. I transferred to the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Firearms Investigative Team (ATF/FIT) in August 2020 and was sworn in as a Task Force Officer in November 2020.

3. I make this affidavit based on my training and experience from information gathered in this investigation from involved officers, special agents or others who have personal knowledge or participated in this investigation. The facts

and circumstances surrounding the investigation and subsequent arrest of Damien Rapheal GAYLES are comprised of the following:

- Detroit Police Department Reports and other related reports associated to the investigation and arrest of Damien Rapheal GAYLES.
- Body worn camera footage that capture the events.
- Dash camera footage that captures the incident.
- Criminal History records of Damien Rapheal GAYLES indicating he has not met the requirements to legally possess a firearm based on his previous felony convictions.
- LEIN information providing information about the Taurus GC2 9mm handgun serial #TMC89354.
- Project Greenlight Video footage of the incident on August 17, 2021, at 1\*\*\*\* Gratiot, Detroit MI related to the arrest of Damien Rapheal GAYLES.

4. This affidavit is submitted for the limited purpose of establishing probable cause that Damien Rapheal GAYLES (DOB xx/xx/1990) has violated Title 18, United States Code, Section 922(g)(1), Felon in Possession of a Firearm, and does not contain all details or facts known to law enforcement related to this investigation.

### **PROBABLE CAUSE**

5. On August 17, 2021, Detroit Police Officers were in the area of 1\*\*\*\* Gratiot (a Marathon Gas Station) providing special attention to a Project

Greenlight location. Officers parked their patrol vehicle and walked towards the store entrance of the gas station when they came into contact with Damien GAYLES who was walking out of the store. Officer Rumschlag observed a heavily weighted object in the right front pocket of GAYLES pants he was wearing. The object was swinging in pendulum motion indicating to Officer Rumschlag that the item was a firearm. Officer Rumschlag advised his partners of his observations. Detroit Police Officers then attempted to make contact with GAYLES. As the officers approached, GAYLES immediately fled on foot, running to escape apprehension across Gratiot Ave., onto Mohican Street through a yard and towards 1\*\*\*\* Bringard, Detroit MI. Officers caught up to GAYLES near the front door of 1\*\*\*\* Bringard. Officers gave verbal commands to drop the handgun, at which time, GAYLES surrendered the handgun by throwing it to the ground near the officers. Officer Rumschlag recovered the handgun GAYLES discarded. The handgun was determined to be a Taurus, GC2, 9 mm pistol. The firearm was loaded with eleven rounds of ammunition.

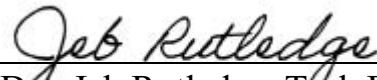
6. On September 1, 2021, Special Agent Michael Jacobs advised me, based upon the verbal description provided, without physically examining the firearm, that the referenced firearm is a firearm as defined under 18 U.S.C. § 921, and was manufactured outside of the state of Michigan after 1898, and therefore had traveled in and affected interstate or foreign commerce.

7. A review of GAYLES Criminal History revealed a federal conviction for interference with commerce by robbery (2014) and state felony convictions for receiving and concealing stolen property (motor vehicle) and fleeing and eluding, 3<sup>rd</sup> degree (2007). GAYLES was sentenced to prison for his federal and state convictions.

### CONCLUSION

8. Probable cause exists that Damien Rapheal GAYLES, knowing that he was a convicted felon, did knowingly possess a firearm, that had previously traveled in interstate and/or foreign commerce, in violation of 18 U.S.C. § 922(g)(1).

Respectfully submitted,

  
Det. Jeb Rutledge, Task Force Officer  
Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Sworn to before me and signed in my presence  
and/or by reliable electronic means.

  
HON. ANTHONY P. PATTI  
UNITED STATES MAGISTRATE JUDGE

Date: September 2, 2021